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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,721	12/14/1998	HIDEO FUSHIMOTO	35.G2316	5018
5514	7590	06/03/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			GENCO, BRIAN C	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2615

DATE MAILED: 06/03/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/210,721

Applicant(s)

FUSHIMOTO, HIDEO

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Applicant's amendment filed April 29, 2004 has been fully considered by the Examiner but is not deemed persuasive.

On page 10 of Applicant's amendment, Applicant argues that Murphy patent is not understood to disclose or suggest the feature of a designation unit which designates an arbitrary point on the predetermined data (map), as disclosed and claimed in the present application.

In response, Examiner concedes that the Murphy patent and the instant invention perform the designation of an arbitrary point on the predetermined data (map) in different ways. Examiner notes that as broadly as claimed the Murphy patent does read on all of the claims.

Examiner notes that Murphy does not disclose physically manipulating the display in order to designate a point, however does disclose automatically starting an image-taking operation when a point is designated. Examiner further notes that Ohki does disclose physically manipulating the display in order to designate a point, however does not disclose automatically starting an image-taking operation when a point is physically designated. Examiner notes that it is not apparent that there is any motivation to combine these two teachings using the Murphy and Ohki references.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 8-14, and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by (USPN 6,282,362 to Murphy et al).

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In regards to claim 1 Murphy et al, herein Murphy, discloses an image pickup apparatus comprising:

an image sensor (e.g., column 8, line 66 – column 9 , line 8);

a storage unit which stores predetermined data (e.g., the predetermined data is the map data base; column 15, lines 18-20, 30-36);

a display unit which displays the predetermined data stored in said storage unit (e.g., element 340 of Fig. 2);

a designation unit which a user operates to designate an arbitrary point on the predetermined data displayed on said display unit (e.g., a user designates a point on the pre-stored map by moving to that location and taking a picture; column 14, lines 35-40; column 9, line 62 – column 10, line 12; column 16, lines 62-65); and

a control unit communicatively coupled to said storage unit and said designation unit, wherein said control unit controls the start of an image taking operation to take an image in response to designation of the arbitrary point by said designation unit, and generation of link information linking the image taken in the image-taking operation to the arbitrary point designated by said designation unit (e.g., generating position and time data associated with the image; column 9, line 62 – column 10, line 5; column 11, lines 49-58).

Note that Murphy discloses two different designation means for performing the same operation. In the recording mode the designation means is controlled by the user changing the location of the camera and the GPS system providing location information so as to display, in the form of an icon, a location on a map to link image data taken at that location, through depressing the shutter button, in the form of a hyperlink. In the playback mode the designation means is a

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cursor used to designate a hyperlink to bring up image data for that location on the map (column 10, lines 61-65). Examiner is defining both of these control systems as a whole as the claimed designation means.

In regards to claim 2 see Examiners notes on the rejection of claim 1. Murphy discloses the “addition unit” (column 10, lines 45 – 65; column 11, line 59 – column 12, line 11) wherein the link information is added to the map by the use of a hyperlink.

In regards to claim 3 Murphy discloses that the playback unit downloads the image data for viewing (column 10, lines 1-5).

In regards to claim 4, by the very nature of the designation unit, as defined by the Examiner above, if multiple images are taken at the same location then they are linked to the same point. Only when the user moves to a new location are the images linked with another point because the new location designates a new point on the map. Note that Murphy discloses the ability to take continuous and sequential images (column 12, line 49 – column 13, line 54).

In regards to claim 5 see Examiners notes on the rejection of claim 1.

In regards to claim 6 see Examiners notes on the above rejections. Murphy discloses the ability to display the image data in lists or “hierarchy fashion according to said link information” (column 10, line 66 – column 11, line 6).

In regards to claim 8 see column 11, line 66 – column 12, line 11.

In regards to claim 9 see examiners notes on the rejection for the above claims. Note column 15, lines 30-36.

In regards to claim 10 see examiners notes on the rejection for the above claims. Note that Murphy discloses the association of "identification information" such as time information and index information with the link information.

In regards to claim 11 see examiners notes on the rejection of claim 1.

In regards to claim 12 see examiners notes on the rejection of claim 2.

In regards to claim 13 see examiners notes on the rejection of claim 4.

In regards to claim 14 see examiners notes on the rejection of claim 5.

In regards to claim 16 see examiners notes on the rejection of claims 8 and 11.

In regards to claim 17 see examiners notes on the rejection of claims 9 and 11.

In regards to claim 18 see examiners notes on the rejection of claims 10 and 11.

In regards to claims 19-21 note that Murphy discloses the use of a microprocessor and stored programs in order to control the disclosed invention (column 15, lines 14-20).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

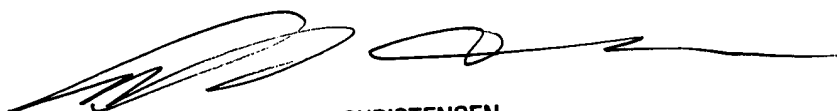
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

May 6, 2004



ANDREW CHRISTENSEN
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